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Attorneys for Defendant
EDDIE BAUER, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KRISTAL D. SCHERER, an individual, on behalf of herself individually, all others similarly situated, and on behalf of the general public,)	CASE NO. 07-CV-2270-JM (AJB)
)	[Assigned to the Hon. Jeffrey T. Miller]
Plaintiff,)	
vs.)	JOINT MOTION TO CONTINUE
)	TIME OF EARLY NEUTRAL
EDDIE BAUER, INC., a Delaware)	EVALUATION CONFERENCE
corporation, and DOES 1 through 100,)	
inclusive,)	
Defendants.)	

TO THE COURT AND THE CLERK OF COURT:

THE PARTIES, BY AND BETWEEN THEIR ATTORNEYS OF RECORD,
HEREBY STIPULATE to a continuance of the start time of the Early Neutral Evaluation
Conference on August 26, 2008 from 10:00 a.m. to 1:30 p.m. or such other time as the
court might order. The request for a continuance is based upon the following grounds:

1. The Early Neutral Evaluation Conference currently is scheduled for August 26, 2008, at 10:00 a.m.

2. Defendant Eddie Bauer, Inc. is headquartered in Washington State and its representative who will be attending the conference will be unable to leave for California until the morning of August 26, 2008 and thus will be unable to be in court by 10:00 a.m. Flights are available to enable the representative to be present for a conference beginning at 1:30 p.m.

3. In light of the foregoing, the parties request that the Early Neutral Evaluation Conference be continued for several hours so as to begin at 1:30 p.m. or such other time as ordered by the court.

Dated: July 29, 2008

LAW OFFICES OF SHELDON A. OSTROFF
HUFFMAN & KOSTAS

Bv:



Sheldon A. Ostroff
James C. Kostas
David Huffman

Attorneys for Plaintiffs

Dated: July 29, 2008

JACKSON LEWIS LLP

Bv:


Frank M. Liberatore
Aryn J. Sobo

Attorneys for Defendant
EDDIE BAUER, INC.

PROOF OF SERVICE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CASE NAME: Scherer v. Eddie Bauer, Inc.

CASE NUMBER: 07-CV-2270-JM (AJB)

I am employed in the County of LOS ANGELES, State of California. I am over the age of 18 and not a party to the within action; my business address is 725 South Figueroa Street, Suite 2500, Los Angeles, California 90017-5408.

On **July 29, 2008**, I served the foregoing document described as: **JOINT MOTION TO CONTINUE TIME OF EARLY NEUTRAL EVALUATION CONFERENCE** in this action by placing a true copy thereof in a sealed envelope addressed as follows:

SHELDON A. OSTROFF, ESQ.
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☒ **BY MAIL:**

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **BY NOTICE OF ELECTRONIC FILING:**

The above-listed counsel have consented to electronic service and have been automatically served by the Notice of Electronic Filing, which is automatically generated by CM/ECF at the time said document was filed, and which constitutes service pursuant to FRCP 5(b)(2)(D).

☒ **FEDERAL:**

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **July 29, 2008**, at Los Angeles, California.

s/Elizabeth Garcia-Zapata